

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2904 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

OSILAAC SOALGI

Versus

STATE OF GUJARAT & ANOTHER.

Appearance:

MR GN DESAI for the Petitioner

MR NIGAM SHUKLA for the Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/08/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. In this Special Civil Application the challenge has been made by the petitioner to the order annexure 'F'. Under the order annexure 'F' dated 18th June, 1983 it is mentioned that sodium alginate manufactured by the petitioner firm should be manufactured under the supervision of the department of the second respondent with effect from 10th July, 1983 and that Government's costs (supervision

charges) shall be payable by the petitioner firm and same shall be payable every three months in advance.

2. The petitioner firm was carrying on the manufacture of sodium alginate since 1976. Looking to the fact that the petitioner firm desired to use special denatured spirit in the said industry, the licence was granted to it under the provisions of the Bombay Denatured Spirit Rules, 1959. That licence was renewed from year to year and thereafter it was renewed from month to month basis. The petitioner firm was given a show-cause notice when it has failed to implement the provisions of the Bombay Prohibition Act, 1949 and Bombay Denatured Spirit Rules, 1959.

3. In view of this fact, if in case the condition has been put that the sodium alginate should be manufactured by the petitioner firm under the supervision of the department of the second respondent and further to bear the costs of the supervision, then such an order cannot be said to be illegal or arbitrary. It seems to be just and reasonable order to enforce the provisions of Bombay Prohibition Act, 1949 and Bombay Denatured Spirit Rules, 1959. The petitioner is using the denatured spirit for its manufacturing purpose. The learned counsel for the petitioner is unable to point out any illegality in the order impugned in this Special Civil Application.

4. In the result, this Special Civil Application fails and the same is dismissed.
